

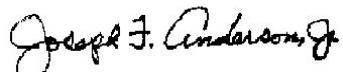
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:10-834-JFA
)	
v.)	ORDER
)	
GARY LEE GILLION)	
)	
)	
)	

The defendant has moved for bond pending appeal. Title 18 U.S.C. § 3143 (b)(1) requires that a defendant who has been sentenced to a term of imprisonment be detained unless the judge finds (A) by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community; and that (B) the appeal is not for the purposes of delay and raises a substantial question of law or fact likely to result in (I) a reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total time already served plus the expected duration of the appeal process. 18 U.S.C. § 3143 (b)(1)(A) and (B). The defendant must satisfy the court that he has met both prongs (3143 (b)(1)(A) and (B)) of the test. *United States v. Hamrick*, 720 F.Supp. 66, 67-68 (W.D. N.C. 1989).

After considering the entire record in this case, the court grants the motion. The defendant shall not be required to report for service of his sentence until the Fourth Circuit Court of Appeals has ruled upon the appeal now pending.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

October 11, 2011
Columbia, South Carolina